

In the Matter of the Termination of Electric Service where Life Support Equipment is Used: Scott Kiter and Judy Williams)
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DOCKET NO. 08-035-03
REPORT AND ORDER

At hearing, Petitioner stated it is willing to enter into a payment plan with Respondents to avoid termination of Respondents' electric service. Petitioner offers a twenty-four month payment plan requiring Respondents to pay \$67.00 per month toward the past due balance on the account, plus, at Respondents' option, either (1) a monthly equal time payment equal to Respondents' \$173.00 average monthly bill (resulting in a total payment of \$240.00 per month), or (2) Respondents' monthly billing based on actual usage. Petitioner also agrees to waive interest accrual on the account balance going forward. If Respondents choose option (1) above, Respondents' monthly payment obligation may change during the life of the plan as Petitioner periodically adjusts Respondents' equal time payment amount based on Respondents' metered electricity use. The first payment under either payment plan option would be due with Respondents' next regularly scheduled monthly payment due no later than February 21, 2008.

Petitioner will contact Respondents to offer these payment plan options, but, based on Respondents' payment history, continues to seek authorization to terminate Respondents' service should Respondents fail to enter into or comply with the terms of any payment plan going forward.

Wherefore, based upon the foregoing information, and for good cause appearing, the Administrative Law Judge enters the following proposed

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that:

1. Petitioner shall contact Respondents and offer the payment plans as outlined above.
2. Respondents are directed to pursue assistance from the HEAT program, Red Cross, and other available assistance programs. If lump sum payments are made to Petitioner from any assistance program, these payments shall be applied to the then-outstanding arrearage and will not affect the monthly payment amounts agreed to in accordance with this Report and Order.
3. If Respondents enter into a payment agreement, Petitioner agrees and is ordered to waive all interest accruing on Respondents' account going forward from the date of the agreement so long as Respondents continue to comply with all other terms of this Order.
4. If Respondents fail to enter into a payment agreement with Petitioner, or fail to make any scheduled payment pursuant to an agreed payment plan on or before the due date, Petitioner shall have the right to disconnect service to Respondents' residence in accordance

with Petitioner's regulations and tariff provisions and the applicable rules and regulations of the Commission, without seeking further approval from the Commission, notwithstanding the fact that a resident at Respondents' residence may be using life-support equipment.

5. At least 48 hours prior to terminating said service, Petitioner shall notify the appropriate Utah State social services agencies of this Order and the pending termination.

6. Petitioner's authorization to disconnect service at Respondents' residence in accordance with this Order shall terminate upon Respondents' payment in full of all arrears on Respondents' account. Any further authorization to disconnect said service would require another order from this Commission.

Pursuant to *Utah Code Annotated* §§ 63-46b-12 and 54-7-15, agency review or rehearing of this order may be obtained by filing a request for review or rehearing with the Commission within 30 days after the issuance of the order. Responses to a request for agency review or rehearing must be filed within 15 days of the filing of the request for review or rehearing. If the Commission fails to grant a request for review or rehearing within 20 days after the filing of a request for review or rehearing, it is deemed denied. Judicial review of the Commission's final agency action may be obtained by filing a Petition for Review with the Utah Supreme Court within 30 days after final agency action. Any Petition for Review must comply with the requirements of *Utah Code Annotated* §§ 63-46b-14, 63-46b-16 and the Utah Rules of Appellate Procedure.

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DATED at Salt Lake City, Utah, this 11th day of February, 2008.

/s/ Steven F. Goodwill
Administrative Law Judge

Approved and Confirmed this 11th day of February, 2008, as the Report and Order
of the Public Service Commission of Utah.

/s/ Ted Boyer, Chairman

/s/ Ric Campbell, Commissioner

/s/ Ron Allen, Commissioner

Attest:

/s/ Julie Orchard
Commission Secretary
G#56232